

# The Gazette of India

EXTRAORDINARY  
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GOVERNMENT OF INDIA  
LEGISLATIVE DEPARTMENT

New Delhi, the 7th January, 1947

ORDINANCE No. I of 1947

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ORDINANCE

*to enable immediate possession to be taken of certain goods for the purpose of implementing an agreement with the Argentine.*

XXXV of  
1939.

WHEREAS, in order to implement an agreement with the Argentine, it was, on the 30th day of September 1946, found necessary for the Central Government to issue within the Province of Bengal orders for the requisition, and notices of the acquisition, of certain goods in exercise of its powers under the rules made under the Defence of India Act, 1939;

AND WHEREAS possession of the said goods has not been delivered to the Central Government;

AND WHEREAS an emergency has arisen which makes it necessary for the purpose of implementing the aforesaid agreement to secure the immediate vesting in the Central Government of title and possession of the said goods;

28 Geo. 5,  
c. 2.

AND WHEREAS the Governor of Bengal has under the provisions of sub-section (1) of section 106 of the Government of India Act, 1935, accorded his previous consent to the making and promulgation of this Ordinance;

AND WHEREAS the Indian Legislature is not in session;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Argentine (Jute and Cereals) Agreement Ordinance, 1947.

(2) It extends to the whole of British India.

(3) It shall come into force at once.

Short title,  
extent and  
commencement.

Certain goods  
to vest in  
Central  
Government.

2. (1) Notwithstanding that suit No. 1923 of 1946, in which the Governor General in Council is the plaintiff and the Adamjee Jute Mills Limited and others are the defendants, is on the date of the commencement of this Ordinance pending in the High Court of Judicature at Fort William in Bengal, being a suit in which the validity of certain orders of requisition and notices of acquisition filed with the plaint in the said suit is in issue, title and possession of all the goods to which the said orders and notices relate (hereinafter referred to as the said goods) shall on the said date vest in the Central Government free from any mortgage, lien or other encumbrance whatsoever :

Provided that title and possession of those portions of the said goods, to which the Central Government has, by arrangement made before the said date, relinquished title, shall be deemed not to have vested in the Central Government under this sub-section.

(2) Nothing in sub-section (1) shall prevent the said High Court from making in the said suit such declaration as it may think proper as to whether or not the said orders of requisition and notices of acquisition were validly made or given :

Provided that no declaration in that suit or by any Court whatsoever shall prejudice in any way the vesting in the Central Government of the title and possession of the said goods after the commencement of this Ordinance.

Compensation.

3. If in the suit referred to in section 2 it is finally decided that the said goods were not validly requisitioned or acquired by the Central Government on the 30th day of September 1946, each of the several previous owners of the said goods shall be entitled to receive as compensation from the Central Government the market price prevailing on the date of the institution of the aforesaid suit of that portion of the said goods previously belonging to him ; or if no such decision is made in the said suit, the said goods shall be deemed to have been validly requisitioned and acquired by the Central Government on the 30th day of September 1946, and the amounts of compensation to be paid by the Central Government to the several previous owners of the said goods shall be determined in accordance with the provisions of law in force on the 30th day of September 1946, relating to the requisition and acquisition of movable property under the rules made under the Defence of India Act, 1939 :

Provided that nothing in this section shall preclude the Central Government and the previous owners of any portion of the said goods from fixing by agreement the amount of compensation payable, or affect the terms of any arrangement referred to in the proviso to sub-section (1) of section 2 :

Provided further that no person shall be entitled to any relief in respect of the vesting of the title and possession of the said goods in the Central Government other than that provided in this section.

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1939.

4. (1) Any person authorised in writing in this behalf by the Central Government may take, or cause to be taken, such steps (including the entry upon any land or other property) and use, or cause to be used, such force, as may in his opinion be necessary to take possession of the said goods on behalf of the Central Government.

Power to take possession, and penalty for resistance thereto.

(2) Whoever offers any resistance to the taking of the said goods by any person authorised under subsection (1) or by any person acting under his instructions shall be deemed to have committed an offence punishable under section 183 of the Indian Penal Code.

XLV of  
1860.

5. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Ordinance.

jurisdiction.

WAVELL,

*Viceroy and Governor General.*

G. H. SPENCE,

*Secy. to the Govt. of India.*

